

MEMORANDUM

SUBJECT: Request for a Time Critical Emergency Removal Action at the CES Environmental Services, Inc. Site, Houston, Harris County, Texas

FROM: Gary Moore, On-Scene Coordinator
Prevention and Response Branch, Removal Team (6SF-PR)

TO: Carl E. Edlund, P.E., Director
Superfund Division (6SF)

THRU: Ronald D. Crossland, Associate Director
Prevention and Response Branch (6SF-P)

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the selected time-critical emergency removal action described herein in accordance with the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604, for the CES Environmental Services Site, Houston, Harris County, Texas. This time-critical emergency removal action provides for the removal of the threat to human health and the environment posed by abandoned chemicals.

The proposed plan of action meets the criteria for initiating a removal action under Section 300.415 of the National Contingency Plan (NCP), 40 C.F.R. § 300.415. This action is expected to require less than twelve months (from mobilization) and up to \$2 million to complete. The Superfund Division Director gave verbal authority of \$500,000 on August 14, 2014 to begin the response.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS:	TXD008950461
Category of Removal:	Time Critical
Site ID:	A6JP
Latitude:	29.6984
Longitude:	-95.3435

A. Site Description

1. Removal Site Evaluation

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. The Site is under the control of a Trustee appointed by the Bankruptcy Court. Limited action has been taken by the Estate to dispose of the chemicals located on the Site. The Site has recently experienced vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into a residential neighborhood. These spill responses were addressed by the Estate, Texas Commission on Environmental Quality (TCEQ), and the EPA. The Estate has been attempting to clean up the property and sell to recover assets for the Estate. The Estate currently has limited resources which may make the cleanup of the property and asset recovery difficult. The site consists of approximately 11 vacuum boxes, 2 roll-off boxes, 12 frac tanks, 2 Tanker Trailers, 20 Aboveground Storage Tanks (ASTs), 15 Waste Water Treatment Tanks, Waste Piles, and numerous totes, vats, drums, and smaller containers.

2. Physical Location

The Site is located at 4904 Griggs Road, Houston, Harris County, TX. Other contiguous properties associated with the site are 4900 Griggs Road, and 5910 Wayland Street. The Site is surrounded by residential, educational, and commercial properties.

3. Site Characteristics

The Site is a former chemical recycling facility. As previously mentioned, there are numerous chemical containers located on-site including vacuum boxes, roll-off boxes, frac tanks, tanker trailers, ASTs, Waste Water Treatment Tanks, and numerous totes, vats, drums, buckets, and sample jars. These containers have not been actively managed or secured to prevent releases to the environment since prior to August 2010.

4. Release or Threatened Release into the Environment of a Hazardous Substance, or Pollutant or Contaminant

On or about April 9, 2014, a release occurred from the facility which resulted in a Houston Hazmat Team response. The Estate, through its consultant, hired a response contractor to address the spill. The spill resulted in a very chemically aromatic odor (cresol/phenol) emanating from the facility into the residential neighborhood and resulted in numerous citizen complaints. The TCEQ also responded to the aftermath of this incident and took steps to secure the facility.

On or about July 31, 2014, another release occurred from the facility. It is believed that this release occurred from a tanker trailer containing oily material and water. The spill material was carried off-site into the residential area by a 6 inch rainfall event. Vandalism is suspected as the

cause of the incident. The City of Houston (COH), TCEQ, and EPA responded to the incident. The City of Houston provided the initial response and TCEQ completed the response. EPA provided sampling support and repaired the security fencing around the facility.

The information below, which was provided by the Estate's consultant, shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substance include but are not limited to:

	VB640	VB6042	VB25141	VB639	VB618	VB2567	VB610
Benzene (D018)	•	•	•	•	•	•	•
Creosol (D023-026)	•	•	•			•	
2,4,6-Trichlorophenol (D042)	•		•			•	
pH (D002)					•		
Ignitability (D001)					•		•

	Oil 1	Oil 2	Oil 3	Oil 7	Oil 8	Oil 9	OT 2	OT 3	OT6	OT 7
Benzene (D018)	•	•	•	•	•	•	•	•	•	•
Creosol (D023-026)									•	
MEK (D035)										
1,2-Dichloroethane (D028)			•							

These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

5. NPL Status

This Site is not currently on the National Priorities List (NPL).

Documentation of a Time-Critical Emergency Removal Action at the CES Environmental Services, Inc. Superfund

6. Maps, Pictures and Other Graphic Representations

Attachment 1 Site Location Map

Attachment 2 Site Area Map

Attachment 3 Site Layout and Lab Results from Estate

Attachment 4 Enforcement Attachment (Confidential)

B. Other Actions to Date

1. Previous Actions

In April 2014, the TCEQ Houston Regional Office conducted an emergency action at the site which included securing the entry gate on Wayland Street, relocating some chemical containers from warehouse on Wayland Street, placing piles of contaminated debris on plastic sheeting and covered with plastic sheeting, and using sand to place containment or repair containment around chemical containers to provide secondary containment.

In August 2014, the COH and the TCEQ Houston Regional Office conducted an emergency action at the Site and within the residential area south of the Site. It appears that a vandal opened the valve on a tanker trailer containing an oil and water mixture. This spill was pushed into the residential community by storm water resulting from a 6 inch rainfall event. The COH and TCEQ removed the spilled material from open and covered storm sewers, flushed the storm sewers, removed the oily material from ponded areas on the site, repaired soil containment structures, and placed a containment structure to prevent offsite drainage from the facility. The EPA assisted in this effort by repairing the security fencing around the Site and sampling soil, water, suspected source, and air. This action is still open.

2. Current Actions

The TCEQ is requiring the Estate to take action on the site to the extent it has funding. Those actions started in July 2014 and will include addressing the disposal of certain containers that are leaking which include RB601, VB617, and 3 Waste Piles. These actions are expected to be completed by October 2014.

C. State and Local Authorities' Role

1. State and Local Actions to Date

See II.B.1 above.

2. Potential for continued State/Local response

The TCEQ has indicated that they will take action on the site in conjunction with the action being taken by EPA. Additionally, the TCEQ will assist EPA in conducting a Preliminary Assessment/Site Investigation (PA/SI) to evaluate the site for potential ranking on the NPL and/or State Superfund so that additional funding can be made available to fully address the Site as necessary.

The EPA is also working with the City of Houston to determine what actions that they make take to assist in this effort. Items being considered are disposing of illegal solid waste dumped on the Site and providing a water source to the cleanup activities. The EPA will also request additional services as may be necessary.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a removal action. Paragraphs (b)(2)(i), (iv), (v), (vi) and (vii) directly apply to the conditions at the Site. Any one of these factors may be sufficient to determine whether a removal action is appropriate.

A. Threats to Public Health or Welfare

1. Exposure to Human Populations, Animals or the Food Chain, NCP Section 300.415(b)(2)(i).

The Site is bordered by residential and commercial properties and a school. The Site fencing has been repaired to remove open access to the facility but fencing in some area is still not in the best condition. Regardless of the condition of the fencing, trespassers have removed fence panels to gain access so this is apparently not an effective deterrent to restrict access from those that wish to enter the facility. Trespassers have caused releases from containers on this facility. Additionally, the chemical containers have not been maintained and most were not intended for long-term storage. Releases from these containers has occurred and is likely to continue should no action be taken. Releases from these containers could easily result in exposures to the surrounding population.

2. High Levels of Hazardous Substances or Pollutants or Contaminants Soils Largely at or Near the Surface, that May Migrate, NCP Section 300.415(b)(2)(iv).

The soil areas of the Site have not been investigated but are expected to have been contaminated as a result of the historic operations of the facility as well as the recent vandalism resulting in chemical spillage and dumping of roll-off boxes full of chemical contaminated debris.

3. Weather Conditions that may Cause Hazardous Substances or Pollutants or Contaminants to Migrate or be Released, NCP Section 300.415(b)(2)(v).

The Site is located near the Texas Gulf Coast and is subject to severe weather conditions including significant thunderstorms, flooding rainfall, tropical storms and hurricanes. These conditions could rupture containers and cause releases which could impact surrounding residential population and properties as well as causing releases to storm water systems that drain to the Houston Ship Channel and Gulf of Mexico.

4. Threat of Fire or Explosion, NCEP Section 300.415(b)(2)(vi)

The Site is abandoned which makes it subject to arson. Additionally, lightning strikes and mixing of incompatible wastes could result in fire or explosion. A fire or explosion would result in a potential inhalation exposure to the surrounding populations as well as a wide spread evacuation of the area.

5. Availability of Other Response Mechanisms, NCP Section 300.415(b)(2)(vii).

The EPA intends to address the chemical containers, spillage on hard surfaces, and visible contamination located on the Site. The TCEQ has requested assistance from the EPA as they do not have the funding necessary to fully address the actions envisioned by the removal action. The TCEQ intends to assist with this action with their own contract mechanisms.

B. Threats to the Environment

It is unlikely that there would be a significant ecological impact resulting from the contamination or spillage on the Site. This Site poses more of a human health threat due primarily to potential exposure to the chemicals located on the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances, pollutants or contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The EPA anticipates the following activities:

- Removal/Disposal of chemicals;
- Decontaminating chemical jars, pails, drums, totes, vats, and other containers and disposing/recycling as determined necessary;
- Decontaminating portable containers, aboveground storage tanks, vacuum boxes, roll-off boxes, frac tanks, and other bulk storage containers and disposing/recycling as determined necessary;
- Removing/Disposing of visible chemical spillage to soil and other surfaces;
- Removing/Disposing of contaminated and/or non-contaminated debris;

2. Contribution to Remedial Performance

The action is intended to address the chemical containers, spillage on hard surfaces, and visible contamination located on the Site. As a result, this action will be consistent with any actions that would be required should a Remedial Action be determined necessary.

3. Applicable or Relevant and Appropriate Requirements

This removal action will be conducted to eliminate the actual or potential release of a hazardous substance, pollutant, or contaminant to the environment, pursuant to CERCLA, 42 U.S.C. § 9601 et seq., in a manner consistent with the NCP, 40 C.F.R. Part 300. As per 40 C.F.R. § 300.415(i), Fund-financed removal actions pursuant to CERCLA Section 104, 42 U.S.C. § 9604, and removal actions pursuant to CERCLA Section 106, 42 U.S.C. § 9606, shall, to the extent practicable considering the exigencies of the situation, attain the applicable or relevant and appropriate requirements under Federal environmental law, including the Toxic Substances and Control Act (TSCA), 15 U.S.C. § 2601 et. seq., the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300 et. seq., the Clean Air Act (CAA), 42 U.S.C. § 7401 et. seq., Clean Water Act (CWA), 33 U.S.C. § 1251 et. seq., the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et. seq., or

any promulgated standard, applicable or relevant and appropriate requirements, criteria, or limitation under a state environmental or facility citing law that is more stringent than any Federal standard, requirement, criteria, or limitation contained in a program approved, authorized or delegated by the Administrator and identified to the President by the state.

Due to the fact that consolidation and offsite disposal are the principal elements of this removal action, RCRA waste analysis requirements found at 40 C.F.R. §§ 261.20 and 261.30, RCRA manifesting requirements found at 40 C.F.R. § 262.20, and RCRA packaging and labeling requirements found at 40 C.F.R. § 262.30 are deemed to be relevant and appropriate requirements for this removal action. Because onsite storage of hazardous wastes by EPA is not expected to exceed ninety days, specific storage requirements found at 40 CFR Part 265 are not applicable or relevant and appropriate (See 40 CFR § 262.34). All hazardous substances, pollutants, or contaminants removed offsite for treatment, storage, or disposal shall be treated, stored, or disposed at a facility in compliance, as determined by EPA, pursuant to 40 CFR § 300.440. All offsite transportation of hazardous materials will be performed in conformity with U.S. Department of Transportation (DOT) requirements at 49 CFR § 172.

4. Project Schedule

The EPA anticipates initiating these actions as quickly as possible to address the issues associated with the Site.

B. Estimated Costs

Extramural Costs:

ERRS	\$ 1,750,000
START-3	\$ 150,000
Contingency	\$ 100,000
TOTAL EXTRAMURAL COSTS	\$ 2,000,000

The total budget for this removal action based on full-cost accounting practices that will be eligible for cost recovery. The budgeted costs are estimated to be **\$ 2,900,400**.

$((\text{Direct Cost}) + (\text{Other Direct}) + (\text{Contingency})) + (45.02\% \text{ of Total Direct } \{\text{Indirect Cost}\}) = \text{Estimated EPA Cost for a Removal Action}$

$$\$ 1,600,000 + 200,000 + 200,000 + (45.02\% \times \$ 2,000,000) = \mathbf{\$ 2,900,400}$$

Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific

direct costs, consistent with the full cost accounting methodology effective October 2, 2002. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only, and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor the deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

The Estate and the TCEQ do not have the necessary funding to address the full extent of the chemicals and contamination located on the Site. If this response action is not taken, the surrounding residential populations may be exposed to hazardous chemicals resulting from spillage whether it be by vandalism, weather conditions, or deterioration of containers.

VII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with this Site.

VIII. ENFORCEMENT

See Enforcement Attachment.

IX. RECOMMENDATION

This decision documents the selected removal action for the CES Environmental Services, Inc. Site, Houston, Harris County, Texas developed in accordance with CERCLA, 42 U.S.C. § 9601 et seq., and not inconsistent with the NCP, 40 C.F.R. Part 300. This action was based on the administrative record for the Site. Because the conditions at the Site meet the criteria defined in Section 300.415 and 300.305 of the NCP I recommend your approval of the proposed removal action. The total CERCLA extramural project ceiling if approved will be \$ 2,000,000. Of this, an estimated \$1,600,000 (without contingency) will come from the Regional Removal Allowance.

APPROVED: _____ DATE: _____
Carl E. Edlund, P.E., Director
Superfund Division
U.S. Environmental Protection Agency, Region 6